

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Ashton et al. v. al Qaeda Islamic Army, et al.</i> , (and member case <i>Burlingame, et al. v. Bin Laden, et al.</i>)	02-cv-6977 (GBD)(SN) 02-cv-7230 (GBD)(SN) ECF Case

**DECLARATION OF FRANK H. GRANITO, III
IN SUPPORT OF MOTION FOR PARTIAL FINAL JUDGMENT**

FRANK H. GRANITO, III, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Burlingame XI* Plaintiffs in the above-captioned litigation and I submit this Declaration in support of the motion for final judgment on behalf of the Personal Injury Plaintiffs set forth on the attached Exhibit A. I submit this Declaration in support of this motion for final judgment on behalf of only the individual Plaintiffs identified in Exhibit A attached hereto, and for permission to allow any remaining *Burlingame* plaintiffs to move for the same relief in separate stages.

2. The sources of information and the basis for belief in the statements contained herein are my representation of the *Burlingame XI* Plaintiffs listed in Exhibit A in connection with the September 11th terror attacks, my firm's files, conversations with the Plaintiffs, their families and colleagues, as well as other court records relating to the multi-district litigation to which the *Burlingame XI* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Claims brought on behalf of the personal injury plaintiffs listed in Exhibit A were part of the original *Burlingame* complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, bearing civil action number 02-cv-7230. The *Burlingame* (02-cv-7230) and *Ashton* (02-cv-6977) matters

were Ordered consolidated for liability purposes and mandated to proceed under the *Ashton, et al. v. al Qaeda Islamic Army, et al.* master docket number 02-cv-6977. See 02-cv-6977, Doc. No. 15, Entered 11/19/2002. Since these plaintiffs remain segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, plaintiffs appearing under the *Burlingame* civil action number 02-cv-7230 are being collectively referred to as “*Burlingame* plaintiffs.” The *Burlingame* plaintiffs listed in Exhibit A are the eleventh group of *Burlingame* plaintiffs represented by the undersigned to move for relief on the issue of damages and are therefore referred to as the *Burlingame XI* plaintiffs.

4. In connection with the filing of claims to the September 11th Victim Compensation Fund on behalf of the personal injury plaintiffs listed on Exhibit A, the plaintiffs obtained information and materials relevant to the injuries, medical treatment and economic losses attributable to their injuries. Exhibits C, E, G, I and K to this declaration are photographs and medical records documenting the injuries and treatment of each of the personal injury plaintiffs listed on Exhibit A. Because of the confidential nature of their contents, and in accordance with the January 22, 2020 Order of Magistrate Judge Sarah Netburn, ECF Doc. No. 5716, these records are being submitted to the Court separately, on compact disc.

5. Exhibit B is a true and correct copy of the Declaration of Ling Young detailing injuries sustained on September 11, 2001.

6. Exhibit C is true and correct copies of the medical records and photographs of Ling Young detailing injuries sustained on September 11, 2001.

7. Exhibit D is a true and correct copy of the Declaration of Virginia DiChiara detailing injuries sustained on September 11, 2001.

8. Exhibit E is true and correct copies of the medical records and photographs of

Virginia DiChiara detailing injuries sustained on September 11, 2001.

9. Exhibit F is a true and correct copy of the Declaration of Kathy Cordero detailing injuries sustained on September 11, 2001.

10. Exhibit G is true and correct copies of the medical records and photographs of Kathy Cordero detailing injuries sustained on September 11, 2001.

11. Exhibit H is a true and correct copy of the Declaration of Edward Nicholls detailing injuries sustained on September 11, 2001.

12. Exhibit I is true and correct copies of the medical records and photographs of Edward Nicholls detailing injuries sustained on September 11, 2001.

13. Exhibit J is a true and correct copy of the Declaration of Valecia Parker detailing injuries sustained on September 11, 2001.

14. Exhibit K is true and correct copies of the medical records of Valecia Parker detailing injuries sustained on September 11, 2001.

15. Exhibits C, E, G, I and K, because of their confidential nature, are being submitted to the Court separately on disc in accordance with this Court's Order of January 22, 2020, ECF Doc. No. 5716.

16. We have been retained individually by the individuals listed on Exhibit A to pursue recovery for the economic and noneconomic losses arising out of the personal injuries they suffered as a proximate result of the terrorist attacks of September 11, 2001. We have verified via written documentation and/or interviews that the individuals listed in Exhibit A were physically present and injured in one of the locations of the September 11, 2001 terrorist attacks in New York, New York (at the World Trade Center complex or surrounding area); Arlington, Virginia (in or around the Pentagon); or Shanksville, Pennsylvania (the location of the crash of United Flight 93),

and have not recovered for their noneconomic damages previously. We have further confirmed that they do not have any prior judgment or pending motion before this Court for compensation arising out of the September 11th attacks.

17. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (S.D.N.Y.) (GBD)(SN), Doc. No. 3362, Entered 10/14/2016. The form of the proposed order submitted herewith therefore conforms to the Court's prior orders.

18. Accordingly, filed herewith is a proposed final judgment conforming with the Court's previous orders. I respectfully request that this Court grant the proposed order submitted herewith.

Dated: January 31, 2020
Rye Brook, New York

/s/ Frank H. Granito, III
FRANK H. GRANITO (FG9760)